

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67605

Terukazu YANAGI, et al.

Appln. No.: 10/026,843

Group Art Unit: 1752

Confirmation No.: 9834

Examiner: Geraldine Letscher

Filed: December 27, 2001

For: MODIFIED GELATIN, AND SILVER HALIDE PHOTOGRAPHIC EMULSION AND
PHOTOGRAPHIC LIGHT-SENSITIVE MATERIAL USING THE SAME

**PETITION PURSUANT TO 37 C.F.R. § 1.59 AND MPEP § 724.05
TO EXPUNGE INFORMATION FROM APPLICATION FILE**

MAILSTOP: PETITIONS

ATTENTION: NANCY JOHNSON, ESQ.

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RECEIVED

DEC 16 2003

TC 1700

Sir:

The assignee of the above-named application hereby petitions under the provisions of 37 C.F.R. § 1.59(b) and MPEP § 724.05(II) to expunge from the file of the subject application the certified copies of Japanese Patent Application Nos. JP2001-0008000 and JP2001-374801 which were mistakenly and unintentionally filed in the above-identified application on February 1, 2002. A separate letter submitting the appropriate fee and/or authorizing the charging of our Deposit Account No. 19-4880 for the appropriate fee as required by 37 C.F.R. § 1.17(i) is submitted herewith in duplicate.

The facts supporting the instant petition are as follows:

Petition to Expunge Copies of Papers In Application File
U.S. Application No. 10/026,843

Attorney Docket No. Q67605

1. On February 1, 2002, Applicants filed a Submission of Priority Documents with certified copies of several Japanese Applications, including, *inter alia*, Application Nos. JP 2001-000800 and JP 2001-374801.

2. Japanese Application Nos. JP 2001-000800 and JP 2001-374801 are not listed on the Declaration or other application papers as priority applications for the above-identified application. See the attached copy of the Declaration filed on December 27, 2001 (Attachment A) and the attached copy of the Transmittal letter submitted with the Application papers on December 27, 2001 (Attachment B).

3. Japanese Application Nos. JP 2001-000800 and JP 2001-374801 were mistakenly and unintentionally filed in the present application file instead of in the correct file.

4. Applicants respectfully request the return of the certified copies of Japanese Application Nos. JP 2001-000800 and JP 2001-374801, so that the certified copies may be properly submitted in the correct application file to perfect Applicants' claim for priority in co-pending Application No. 10/034,607, prior to payment of the issue fee therefore.

5. Applicants commit to retain copies of the requested documents for the period of any patent with regard to which the documents were submitted.

6. The documents to be returned are not material information to the above-identified application under 37 C.F.R. § 1.56.

7. The facts set forth herein clearly establish that the requested certified copies of Japanese Application Nos. JP 2001-000800 and JP 2001-374801 were submitted in the wrong application and therefore, a decision on the petition should not be held in abeyance.

Petition to Expunge Copies of Papers In Application File
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8. This petition is being submitted by, or on behalf of, the party in interest who originally submitted the information.

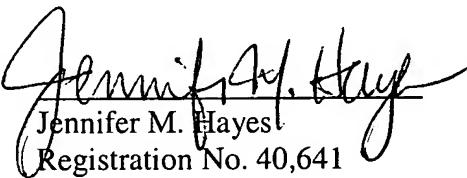
9. The required fee as set forth in 37 C.F.R. § 1.17(h) is attached.

Applicants respectfully submit that the facts set forth herein sufficiently establish that the return of the requested information is appropriate. Thus, waiver of the requirements to provide a statement that the failure to obtain return of the information would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and that the information has not been made public, as set forth in MPEP 724.05(II)(B) and 724.05(II)(C), respectively, is respectfully requested.

Alternatively, Applicants respectfully request relief, under 37 C.F.R. § 1.181 and 1.182 to the extent that the rules do not specifically provide for the requested relief and/or under 37 C.F.R. § 1.183, to the extent suspension of the rules is required by justice.

The USPTO is directed and authorized to charge all required fees to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


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